

Appl. No. 10/648,579
Reply to Office Action of February 2, 2006

REMARKS/ARGUMENTS

The Advisory Action dated February 2, 2006, reinstated earlier rejections.

The substance of the interview is reflected in the examiner's statement. There is an error in the double patenting rejection applied document identification. Augmenting the Interview Summary Record, Applicants note that a Terminal Disclaimer has been filed. The error in the application number, that was discovered, was taken into account in the Terminal Disclaimer.

The Claim Rejections (35 USC 102) as anticipated over Ohkawa et al. are based on a misunderstanding of the claim scope by the Examiner. The Examiner takes the position that the present claims include the sulfonium compounds disclosed in Ohkawa et al. (US 6,368, 769) because of her interpretation of "maximum bond distance" as the upper end of a claimed range rather than a requirement on a bond size.

Claim Rejections (35 USC 103) as obvious over Ohkawa are also maintained.

The Examiner considers that the experimental data described in the Declaration filed on December 14, 2005 were insufficient

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to overcome the Rejection over Ohkawa because there is no evidence comparing the present invention with the closest art.

Concerning the maximum C-S bonds disclosed in Ohkawa et al. (US 6,368,769), attention is directed to the Declaration of June 9, 2005 at page 2 wherein the calculated maximum C-S bond angles for the examples in Ohkawa, are summarized. None of the example compounds disclosed in Ohkawa have a maximum C-S bond length within the range of the present claim. They were calculated to be in the range of 0.1684 to 0.1686 nm. (The superior effects obtained by the compound having a maximum C-S bond of 0.1688 nm were also demonstrated in this Declaration and also in the Declaration of December 14, 2006.)

Withdrawal of the anticipation rejection is therefore respectfully requested. Consideration of the test data noted above and other data of record, with respect to the obviousness rejection is also requested as explained below.

The Examiner points out that the comparison in the December 14, 2005 Declaration was done using compounds which belong to different Formulas. Examples 3 and 4 of Ohkawa are species of Formula (II) of the present claim 1, while Compound 7 of Ink Set 2 of the present specification and Compound 5 are

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species of Formula (I). In view thereof, the Examiner indicated that the comparison should be done between the compounds represented by the same Formula. Applicants respectfully submit that the additional comparisons are already in the record, in the present specifications as described below:

(i) Ink Composition Set 3 includes Exemplified Compound 11 which belongs to Formula (II) (Table 3 at page 51 of the present specification). The maximum C-S bond length of Compound 11 is 0.1696 nm (as indicated at page 55); and

(ii) Ink Composition Set 4 includes Exemplified Compound 17 which belongs to Formula (II) (Table 4 at page 52 of the present specification). The maximum C-S bond length of Compound 17 is 0.1693 nm (as indicated at page 55).

Evaluation results obtained by using (i) Ink Composition Set 3 or (ii) Ink Composition Set 4 are listed in Table 7 at page 65. Samples 9-12 (Ink Set 3) and Samples 13-16 (Ink Set 4) showed evaluation grades A or B for each evaluation items. An extract of the results are shown below.

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Table 7 (Extracted)

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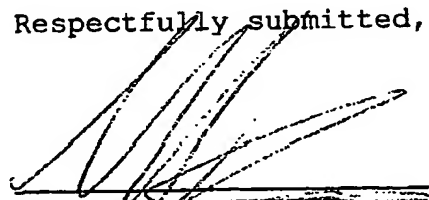
Sample No.	Ambience at 10 °C and 20% RH		Ambience at 25 °C and 50% RH		Ambience at 32 °C and 80% RH		Remarks
	Character Quality	Color Mixing	Character Quality	Color Mixing	Character Quality	Color Mixing	
9	B	A	B	A	B	A	Inv.
10	A	A	A	A	A	B	Inv.
11	A	A	A	A	A	B	Inv.
12	A	B	A	B	A	B	Inv.
13	B	A	B	A	B	A	Inv.
14	A	B	A	B	A	B	Inv.
15	B	A	B	A	B	A	Inv.
16	A	B	A	B	B	B	Inv.

Examples 3 and 4 of Ohkawa both of which belong to Formula (II) have a maximum C-S distance of 0.1686 nm (Declaration filed March 17, 2005). This value is outside the range of the present claim. The evaluation results are shown in the Supplemental Declaration of December 14, 2005 wherein it is clearly demonstrated that samples of the present invention are much superior to the samples using Examples 3 and 4 of Ohkawa.

Withdrawal of the rejections is therefore respectfully requested.

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Respectfully submitted,


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